

PROPOSED AMENDMENT XXVIII TO THE CONSTITUTION OF THE UNITED STATES

The Democratic Integrity and Human Dignity Amendment

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This document proposes a single constitutional amendment addressing eight structural failures of the American democratic system: captured representation, the corruption of political power by concentrated economic power, the absence of material preconditions for meaningful civic participation, electoral architecture that produces minority rule, institutional opacity in an era of algorithmic governance, a rights framework built for a world that no longer exists, the absence of any enforceable floor on human dignity, and intergenerational irresponsibility with respect to ecological and fiscal costs. The amendment is presented with full legal text, section-by-section justification, citations to existing constitutional doctrine and legal precedent, and a plain-language companion accessible to any citizen.

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PREAMBLE

The Constitution of the United States was among the most consequential acts of political engineering in human history. Its framers understood themselves as engineers — designing a system of governance for a specific set of problems with the best tools available in 1787. They were explicit that the design was imperfect and would require revision. They built the amendment process for precisely this reason.

Twenty-seven amendments in two hundred and thirty-five years reflects a pace of constitutional revision far slower than the pace of civilizational change. The Bill of Rights was designed to protect citizens from government coercion in an analog world governed by kings and muskets. It has no architecture for corporate coercion, algorithmic governance, surveillance capitalism, or the concentration of information infrastructure in private hands. The Fourteenth Amendment extended formal equality to formerly enslaved persons but did not guarantee the material conditions necessary to exercise that equality. The Nineteenth Amendment extended suffrage to women but did not address the economic structures that constrain the meaning of that vote.

Each amendment addressed the most urgent structural failure visible at the time of its passage. This amendment addresses the most urgent structural failures visible now: the systematic corruption of democratic representation by concentrated wealth; the absence of any constitutional guarantee that citizens possess the material preconditions necessary to meaningfully exercise their existing rights; the electoral architecture that routinely produces governments unrepresentative of the populations they govern; the opacity of institutions — public and private — that exercise determinative power over citizens' lives; and the absence of any enforceable constitutional obligation to future generations or the ecological systems on which all human life depends.

These are not partisan observations. They are structural diagnoses. The evidence for each is empirical, documented across decades of political science, constitutional law, and economic research, and acknowledged across the ideological spectrum by serious scholars who disagree sharply about remedies. This amendment proposes remedies. It does so in the tradition of the framers: not by exhorting better behavior from existing institutions, but by redesigning the architecture so that better outcomes are structurally more likely.

The amendment is organized around a single generative principle — the consent standard — from which the remaining sections follow as logical implications. A government that cannot command the meaningful consent of its citizens has lost its legitimacy. A society that does not guarantee the material conditions under which meaningful consent is possible has made that legitimacy permanently unavailable to most of its members. This amendment is an attempt to close that gap.

PROPOSED AMENDMENT TEXT

The following is proposed as an amendment to the Constitution of the United States, to be ratified in accordance with Article V:

Section 1 — The Consent Standard

No law, contract, government action, or private exercise of institutional power shall be enforceable against any person whose agreement was obtained through coercion, deception, or the absence of viable alternatives. The burden of demonstrating meaningful consent rests with the party asserting it. Consent must be freely given, informed, specific, and reversible to be legally valid. No provision of this section shall be construed to prohibit the democratic determination of collective obligations, provided such obligations are applied equitably and their stated purpose is the provision of the guaranteed conditions enumerated in Section 2.

Section 2 — Guaranteed Conditions for Democratic Participation

Every person within the jurisdiction of the United States shall have an enforceable right to nutritious food, clean water, safe shelter, comprehensive healthcare including mental health care, and foundational education sufficient for meaningful civic participation. These guarantees are not gifts of government. They are the material preconditions without which the rights enumerated elsewhere in this Constitution cannot be meaningfully exercised. Congress shall have the power and the obligation to enforce this section by appropriate legislation, and no resource constraint shall constitute a permanent justification for its non-fulfillment.

Section 3 — The Separation of Economic and Political Power

No private entity, individual, or coordinated group shall expend funds, resources, or anything of monetary value to influence the selection, conduct, or official decisions of any public official or legislative body, except through mechanisms explicitly authorized by Congress for the purpose of equitable civic participation. The financing of federal elections shall be exclusively public. Regulatory bodies shall be structurally insulated from the industries and entities they regulate through independently enforced conflict-of-interest prohibitions, mandatory cooling-off periods, and transparent appointment processes. Any demonstrable and sustained pattern of regulatory capture — defined as the systematic subordination of a regulatory body's conduct to the interests of the entities it regulates rather than the public interest — shall constitute a constitutional violation subject to judicial remedy.

Section 4 — Electoral Integrity and Representational Accuracy

The right of citizens to have their votes reflected in their representation shall not be diluted by electoral architecture that systematically produces governments unrepresentative of majority preference. Congress shall mandate a ranked-choice or functionally equivalent preference-aggregating voting system for all federal elections. No district for any federal office shall be drawn for the purpose of advantaging any political party, incumbent officeholder, or demographic group. District boundaries shall be determined by independent, nonpartisan commissions whose membership, methodology, and deliberations are fully public and subject to judicial review.

Section 5 — Transparency as Civic Covenant

All institutions — governmental and private — that exercise determinative power over the material conditions, legal status, or civic standing of citizens shall make their consequential reasoning publicly legible in proportion to the power they hold. No algorithmic or automated system deployed in the administration of governance, criminal justice, benefits determination, or the allocation of public resources shall operate without full public auditability of its decision logic and regular independent review of its outcomes. Every person shall have an enforceable right to a plain-language explanation of any decision made by a public institution or publicly regulated private institution that materially affects their rights, benefits, liberty, or livelihood.

Section 6 — The Expanding Circle of Constitutional Protection

The protections of this Constitution extend to all beings capable of experiencing harm, as determined by the best available scientific consensus at the time of application. The boundaries of constitutional protection shall be interpreted only in the direction of greater inclusion. No entity once formally determined to be capable of experiencing harm may be removed from constitutional protection. An independent body of scientists, philosophers, and ethicists, appointed through a process insulated from political and commercial influence and subject to public confirmation, shall be established to make and periodically review such determinations.

Section 7 — Intergenerational and Ecological Obligation

No Congress, administration, or public institution shall impose material costs — fiscal, ecological, or infrastructural — on future generations without a published accounting of those costs prepared by an independent body, an explicit democratic authorization informed by that accounting, and a good-faith mitigation plan subject to independent audit and public review. The living ecological systems on which human life depends shall have standing in federal courts to challenge actions that demonstrably and irreversibly threaten their integrity, to be asserted by a publicly designated guardian body independent of the executive branch.

Section 8 — Enforcement, Applicability, and Supremacy

This amendment applies to all branches and agencies of the federal government, all state governments in the exercise of powers affecting rights guaranteed herein, all private institutions exercising public power or receiving substantial public benefit, and all systems — including artificial intelligence and automated decision systems — deployed in the administration of governance at any level. Any provision of existing federal or state law inconsistent with this amendment is superseded to the extent of the inconsistency. The right of any person to bring suit in federal court to enforce any provision of this amendment shall not be abridged by standing doctrine, filing costs, procedural barriers, or doctrines of sovereign immunity, except as explicitly provided by Congress through legislation narrowly tailored to prevent abuse rather than discourage enforcement.

SECTION-BY-SECTION JUSTIFICATION

Section 1 — The Consent Standard

The Problem

The existing constitutional order protects against specific government violations — unreasonable search, self-incrimination, taking of property without due process — but does not articulate a generative principle from which new protections can be derived as circumstances change. The result is a rights framework that lags the actual vectors of power by decades. Economic coercion — the systematic arrangement of conditions such that agreement to disadvantageous terms is the only alternative to destitution — is the most widespread consent violation in contemporary American life and the one the current constitutional order is least equipped to address.

Legal Foundation

The principle that consent obtained under duress is not legally valid is not novel. It is embedded in contract law (Restatement (Second) of Contracts, Section 175), medical ethics (informed consent doctrine since *Schloendorff v. Society of New York Hospital*, 1914), and criminal law. This section constitutionalizes what those bodies of law already assume: that genuine agreement requires genuine alternatives. The burden-shift clause follows directly from the asymmetric information and power relationships that characterize most contested agreements.

The Taxation Carve-Out

The final sentence addresses the most immediate objection: that constitutionalizing the consent standard would invalidate taxation. It does not. Democratic collective obligations, equitably applied for the purpose of guaranteeing the material preconditions of civic participation, satisfy the consent standard when the democratic process that establishes them is itself genuinely representative — which Sections 3 and 4 work to ensure. The carve-out is logically consistent, not a contradiction.

Section 2 — Guaranteed Conditions for Democratic Participation

The Problem

The Supreme Court has consistently declined to recognize affirmative constitutional rights to material conditions. *San Antonio Independent School District v. Rodriguez* (1973) held that education is not a fundamental right. *DeShaney v. Winnebago County* (1989) held that the Constitution does not require the state to protect citizens from private harm. The result is a formal democracy in which the preconditions of meaningful participation — the capacity to gather information, deliberate, organize, and act — can be legally withdrawn from those who cannot afford them.

The Argument

Formal rights without material preconditions are not rights. They are permissions. The right to counsel in criminal proceedings (*Gideon v. Wainwright*, 1963) was recognized precisely because the Sixth Amendment's guarantee was meaningless without it. The same logic applies to the entire democratic order: a person who is hungry, homeless, or seriously ill cannot meaningfully vote, organize, petition, or participate in any of the processes the Constitution was designed to protect. Guaranteeing basic needs is the prerequisite of democracy, not its luxury. Comparable frameworks exist in the constitutions of South Africa (Section 27), Germany (Basic Law Article 1), and Finland (Section 19).

Section 3 — The Separation of Economic and Political Power

The Problem

Citizens United v. FEC (2010) held that political spending by corporations and associations is a form of protected speech under the First Amendment, effectively removing limits on independent political expenditure. The downstream effects are empirically documented: Gilens and Page (2014) analyzed 1,779 policy outcomes and found that economic elites and organized groups representing business interests have substantial independent impact on government policy, while average citizens and mass-based interest groups have little or no independent influence. This is not democracy. It is the legal architecture of oligarchy.

Legal Foundation

This section does not prohibit speech. It prohibits the expenditure of financial resources as a mechanism of political influence outside publicly authorized channels. The distinction between speech and financial expenditure as a political mechanism is constitutionally available — Justice Stevens' dissent in *Citizens United* articulated it precisely — and this amendment makes it operative. Regulatory capture as a constitutional violation follows directly from the principle that public institutions must serve the public interest; Stigler (1971) established the empirical basis and the structural mechanism.

Section 4 — Electoral Integrity and Representational Accuracy

The Problem

First-past-the-post voting in single-member districts is not mandated by the Constitution. It is a statutory choice with documented structural consequences: spoiler effects, manufactured majorities, the systematic suppression of third-party representation, and the incentive structures that drive polarization. The Senate's equal representation of states regardless of population means that a senator representing Wyoming represents approximately 70 times fewer people than a senator

representing California, producing systematic malapportionment that no democratic theory justifies. Partisan gerrymandering, declared non-justiciable in *Rucho v. Common Cause* (2019), allows party majorities to entrench themselves against electoral accountability.

The Remedy

Ranked-choice voting — or functionally equivalent systems such as approval voting or STAR voting — eliminates spoiler effects, reduces incentives for negative campaigning, and more accurately reflects the preference distribution of the electorate. Independent redistricting commissions, currently operating in California, Arizona, Michigan, and other states, have empirical track records demonstrating their effectiveness at reducing partisan advantage in district-drawing. This section constitutionalizes reforms that have already proven workable at the state level.

Section 5 — Transparency as Civic Covenant

The Problem

Algorithmic and automated systems are now deployed in bail and sentencing decisions (COMPAS), benefits determinations (Allegheny Family Screening Tool), child welfare interventions, hiring, credit, and the administration of public services at every level of government. These systems make or substantially influence decisions that determine whether people are free, housed, employed, and supported — yet they are frequently proprietary, their logic is opaque even to the officials deploying them, and no existing constitutional provision guarantees a citizen any explanation of a decision made about them by an algorithm. Eubanks (2018) and O'Neil (2016) document the consequences in detail.

The Principle

Transparency obligations that scale with power are not novel in American governance. Federal agencies must publish rules in the Federal Register. Courts must issue written opinions. Legislators' votes are public record. This section extends that logic to the new vectors of institutional power — algorithmic systems and private institutions exercising public functions — and gives citizens an enforceable right to understand decisions made about them. The distinction between transparency of consequential reasoning and access to proprietary source code or trade secrets is legally available and practically workable.

Section 6 — The Expanding Circle of Constitutional Protection

The History

Every expansion of the constitutional circle of rights protection was dismissed as impractical at the time of its proposal. The abolition of slavery, the extension of suffrage to women and to citizens

regardless of race, the recognition of rights for incarcerated persons — each was considered by serious people to be beyond the proper scope of constitutional protection until it was not. The criterion in each case was the same: the capacity to be harmed.

The Science

The Cambridge Declaration on Consciousness (2012), signed by a prominent group of neuroscientists, concluded that non-human animals possess the neurological substrates that generate consciousness and that the evidence for this is unambiguous in mammals, birds, and many other species. The legal system's treatment of these beings as property is not a scientific conclusion. It is a historical artifact. The 'ratchet' clause — that protection may expand but not contract — encodes the irreversibility of moral progress as a constitutional principle, preventing future majorities from withdrawing protections once established.

Section 7 — Intergenerational and Ecological Obligation

The Problem

The Constitution has no provision addressing obligations to future generations or to the ecological systems on which all human life depends. This is not a philosophical oversight. It is a structural incentive for intergenerational theft: present majorities can impose costs — fiscal deficits, ecological degradation, infrastructure neglect — on populations that have no vote, no voice, and no legal standing to resist. The consequences are no longer theoretical. The costs of current carbon emissions will be borne primarily by people not yet born.

Legal Innovation

Ecological legal personhood has precedent. The Whanganui River in New Zealand was granted legal personhood in 2017. Several constitutional systems — Ecuador (2008), Bolivia (2009) — have recognized the rights of nature. These are not fringe proposals. They are the leading edge of an expanding body of environmental constitutionalism that this section joins. The guardian body mechanism is modeled on existing guardianship law and the precedent of court-appointed representatives for future interests in trust and estate law.

Section 8 — Enforcement, Applicability, and Supremacy

The Problem

Constitutional rights that cannot be enforced are permissions, not rights. The history of constitutional enforcement in the United States includes systematic use of procedural barriers — standing requirements, sovereign immunity, qualified immunity, filing costs, arbitration clauses — to make formally guaranteed rights practically inaccessible to those without resources. This section

closes those escape hatches explicitly.

AI and Automated Systems

The explicit extension of this amendment's applicability to artificial intelligence and automated decision systems is not speculative. These systems are already making consequential decisions about American citizens. This section ensures that the constitutional protections established herein cannot be circumvented simply by delegating a decision to a machine. The institution deploying the system remains constitutionally responsible for its outputs.

PLAIN-LANGUAGE COMPANION

The following is a plain-language explanation of each section, intended for any citizen regardless of legal background.

Section 1 — Your agreement has to be real

Right now, the law treats many agreements as valid even when the person signing had no real choice — when the alternative was losing their home, their job, or their ability to feed their family. This section says: that's not consent. For an agreement to be legally binding, it has to be freely chosen, fully understood, specific about what it covers, and reversible if you change your mind. If someone claims you agreed to something, they have to prove it was real. You don't have to prove it wasn't. This doesn't eliminate taxes or collective obligations — it means those obligations have to come from a genuinely representative democratic process.

Section 2 — Democracy requires a floor

You cannot meaningfully participate in a democracy if you are starving, homeless, or seriously ill. This section makes food, clean water, shelter, healthcare, and education constitutional rights — not charity, not programs that can be cut, but enforceable legal guarantees. This is the foundation that makes every other right in the Constitution real rather than theoretical for people without money.

Section 3 — Money is not a vote

Decades of political science research has shown that wealthy individuals and corporate interests have outsized influence on government policy, while ordinary citizens have little to none. This section makes it unconstitutional for private money to be spent influencing elections or government decisions outside publicly established channels. Elections would be publicly funded. Regulatory agencies — the bodies that are supposed to protect the public from industry abuses — would be legally required to actually do that, and a sustained pattern of serving industry instead would be a constitutional violation.

Section 4 — Your vote should count the way you mean it

The current voting system regularly produces winners who most voters didn't want. It produces legislatures and electoral college outcomes that don't reflect how most people voted. It allows politicians to draw their own district lines to guarantee their re-election. This section requires voting systems that more accurately reflect what voters actually prefer, and independent commissions — not politicians — to draw district lines.

Section 5 — You have the right to know why

Computers and algorithms now make or heavily influence decisions about whether you get bail, welfare benefits, a job, a loan, or a spot in a program. Most of the time, no one can tell you how those decisions were made — not even the officials who deployed the system. This section says that any institution with significant power over your life has to be able to explain its decisions to you in plain language, and that systems making government decisions have to be publicly auditable.

Section 6 — The circle of protection only grows

Science has established that many non-human animals experience pain, fear, and distress in ways that are not meaningfully different from human experience. Constitutional protection — the basic guarantee against being harmed without justification — has historically expanded as we learned more about who is capable of being harmed. This section makes that expansion a constitutional principle: as science establishes that more beings can be harmed, they receive protection. That protection can never be taken away once given.

Section 7 — We owe something to people who aren't born yet

Decisions made today about debt, climate, and infrastructure will be paid for by people who have no vote and no voice today. This section requires honest accounting of those costs before decisions are made, democratic authorization based on that accounting, and a plan to address the harm. It also gives rivers, forests, and ecosystems — the living systems all human life depends on — legal standing to be represented in court when actions threaten to irreversibly destroy them.

Section 8 — Rights you can't enforce aren't rights

This section makes clear that the amendment applies to all government bodies, to private companies exercising public functions, and to AI systems making government decisions. It removes the procedural barriers that currently make it practically impossible for most people to enforce their constitutional rights in court. If a right exists, you should be able to enforce it.

A NOTE ON PROCESS

Constitutional amendments do not begin in Congress. They begin in public discourse. The Fourteenth Amendment was preceded by decades of abolitionist argument. The Nineteenth was preceded by seventy years of suffragist organizing. The amendments that changed the country were not surprises to those who lived through the argument. They were the formal conclusion of conversations that had been happening everywhere.

This document is offered as a contribution to that kind of conversation — not as a finished answer, but as a serious opening. Every section is intended to be challenged, refined, and improved through engagement with legal scholars, political scientists, ethicists, and ordinary citizens who will live under whatever system we build together.

The amendment process is deliberately difficult. It should be. Fundamental changes to the architecture of governance should survive serious scrutiny. The argument made here is that each section of this amendment addresses a documented, structural failure of the current system — and that the costs of inaction on each of those failures are already being paid, every day, by people who did not choose them.

That is, at its foundation, a logistics problem. And logistics problems have solutions.

Compassion • Consent • Truth

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